

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

| | | |
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| In the Matter of |) | |
| |) | WC Docket No. 09-197 |
| Telecommunications Carriers Eligible to |) | |
| Receive Universal Service Support |) | |
| |) | |
| OneLink Wireless, Inc. |) | |
| |) | |
| Petition for Designation as an Eligible |) | |
| Telecommunications Carrier in Alabama, |) | |
| New York, North Carolina, and Virginia |) | |

**PETITION OF ONELINK WIRELESS, LLC
FOR DESIGNATION
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN
ALABAMA, NEW YORK, NORTH CAROLINA, AND VIRGINIA**

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February 28, 2011

SUMMARY

OneLink Wireless, Inc. ("OneLink" or "Applicant"), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act") and Sections 54.201 *et seq.* of the Federal Communications Commission's ("FCC" or "Commission") rules, submits this Petition for Designation as an Eligible Telecommunications Carrier ("ETC"). OneLink requests ETC designation for the limited purpose of offering Lifeline and Link Up services to end-user customers in Alabama, New York, North Carolina, and Virginia. OneLink does not seek high-cost Universal Service Fund ("USF") support. OneLink offers affordable and reliable telecommunications services to low income end-user customers. OneLink's prepaid wireless services combined with free handsets provide a reasonable alternative to traditional post-paid services. OneLink provides low income customers who might not otherwise be able to afford traditional services with dependable voice and data services, as well as additional features and functionalities including, for example, call waiting, caller ID and voicemail.

Sections 214(e) and 254 of the Act and the Commission's rules expressly authorize the FCC to designate OneLink as an ETC. Specifically, Section 214(e)(6) of the Act provides that the FCC may confer ETC status on a common carrier where the carrier's services do not fall subject to the jurisdiction of a state commission. OneLink provides herewith affirmative statements conclusively proving that Alabama, New York, North Carolina, and Virginia lack jurisdiction to confer ETC status to OneLink. Further, OneLink meets the statutory and regulatory requirements for ETC designation. Finally, consumers will benefit greatly from such designation in the form of low-cost, high-quality wireless service and access to a host of add-on features. As such, grant of this application is in the public interest, and OneLink respectfully requests that the Commission grant this application on an expedited basis.

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OneLink Wireless, Inc. ("OneLink" or "Applicant"), pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act")¹ and Sections 54.201-54.209 of the Federal Communications Commission's ("FCC" or "Commission") rules,² hereby submits this Petition for Designation as an Eligible Telecommunications Carrier ("ETC"). OneLink seeks ETC status for the limited purpose of offering Lifeline and Link Up services to end-users in the States of Alabama, New York, North Carolina, and Virginia.

As demonstrated herein, OneLink meets each of the statutory and regulatory prerequisites for ETC designation. By designating OneLink an ETC, consumers in these states will receive an additional option for affordable, high-quality, and reliable wireless services. Accordingly, OneLink respectfully requests that the FCC grant this Petition expeditiously and designate it as an ETC in Alabama, New York, North Carolina, and Virginia.

¹ 47 U.S.C. § 214(e)(6).

² 47 C.F.R. §§ 54.210-54.209.

I. Background

Using the underlying Sprint Nextel (“Sprint”) network, OneLink provides handsets and domestic and international voice and data services to low-income customers. The Sprint network is a digital wireless communications network that uses Code Division Multiple Access (“CDMA”) technology. Sprint is authorized to provide service throughout Alabama, New York, North Carolina, and Virginia pursuant to Commercial Mobile Radio Services (“CMRS”) license granted by the FCC. OneLink operates as a Mobile Virtual Network Operator (“MVNO”), using Sprint’s network infrastructure to deliver its wireless voice and data service offerings. OneLink packages capacity purchased from Sprint with services provided through its own facilities. In addition to Sprint’s network, OneLink relies upon its own facilities which provide customers access to operator and directory assistance services.

Further, OneLink purchases Sprint-ready handsets (compatible with Sprint’s network), refurbishes and rebrands them, and offers them to customers free of charge.³ In conjunction with its own branded handsets, it offers customers an integrated prepaid wireless service. Because such services offer affordability and flexibility, they attract a variety of consumers, many in lower income brackets, which qualify for Lifeline assistance. OneLink provides these customers with a unique combination of reliable nationwide and international mobile communications services that are otherwise not readily accessible to its target market consumers. OneLink provides customers with a variety of prepaid plans, with airtime divided into “units” of time over a one-month period. OneLink’s affordable plans each include a minimum of 68 units of airtime, where one unit equates to one minute of domestic talk time or one text message.

OneLink serves a variety of low-income consumers, and advertises the availability and prices of its services through a variety of mediums, including online advertising, direct marketing campaigns, print advertising, event-based distribution, seminars, lectures, pamphlet distribution, and

³ Free new handsets may be available, depending on the pricing OneLink can obtain from its vendors.

meetings with government agencies. OneLink's Lifeline offering will target low-income and elderly consumers, and will also focus on providing service to Hispanic consumers, individuals already receiving government support program assistance, and tribal groups. Sprint provides wireless service throughout the states of Alabama, New York, North Carolina, and Virginia. Pursuant to its contract with Sprint, OneLink resells service throughout these states, and, as such, requests ETC designation for each state in its entirety. OneLink will offer Lifeline and Link Up service throughout the entire service area where it receives ETC designation. OneLink's Lifeline and Link Up customers will have access to the same services and features offered to other customers.

II. ETC Designation

While the authority to designate ETCs traditionally falls on state utility commissions, Section 214(e)(6) of the Act authorizes the FCC to designate a common carrier as an ETC if the carrier's services do not fall subject to the jurisdiction of a state commission.⁴ To demonstrate that it is not subject to a state's jurisdiction, a carrier must submit an "affirmative statement" from the state commission showing that it lacks jurisdiction to confer ETC status.⁵ For the reasons discussed below, the Commission has jurisdiction over OneLink's application. In addition, to receive an ETC designation, a petitioning carrier must:

- (1) Be a common carrier;
- (2) Provide the supported services through a combination of facilities and resale;
- (3) Offer services supported by federal USF support mechanisms;
- (4) Advertise the availability and pricing of its universal service support qualifying services; and
- (5) Comply with regulations applicable to ETCs, including:
 - a. Providing continued functionality in emergencies;
 - b. Complying with consumer protection standards;

⁴ 47 U.S.C. § 214(e)(6).

⁵ See *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd. 12208, 12264 (2000).

- c. Committing to provide quality service;
- d. Offering various local usage plans;
- e. Acknowledging equal access requirements;
- f. Submitting annual certifications; and
- g. Verifying and certifying customer qualification for Lifeline and Link-Up programs.⁶

OneLink meets the above criteria, and designating it as an ETC would be in the public interest. In addition, OneLink makes additional voluntary commitments to ensure compliance with the FCC's rules for the provision of Lifeline services, and to combat the potential for waste, fraud and abuse with the Lifeline program.⁷ Therefore, OneLink respectfully requests that the Commission grant its application.

III. The Commission Has Authority to Confer ETC Status on Applicant

ALABAMA:

On March 12, 2002, the Alabama Public Service Commission issued an order finding that its "jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services," and that "wireless providers seeking ETC status should pursue their ETC designation request with the FCC." A copy of Order is attached hereto as Exhibit A.

NEW YORK:

The New York Public Service Commission has provided a letter clarifying that it lacks jurisdiction to entertain this ETC petition. The letter is attached as Exhibit B.

NORTH CAROLINA:

On August 28, 2003, the North Carolina Utilities Commission released an Order concluding that "the Commission lacks jurisdiction over CMRS services and the appropriate venue for the

⁶ 47 C.F.R. § 54.202.

⁷ Specifically, these voluntary commitments are consistent with the commitments proposed voluntarily by GreatCall, Inc. in its Supplement to its Petition for Designation as an ETC. *See Petition for Designation as an Eligible Telecommunications Carrier in Alabama, et al., Supplement to Petition of GreatCall, Inc.*, WC Dkt. No. 09-197 (filed Feb. 3, 2011).

designation of ETC status for such services is with the FCC." A copy of the North Carolina Utilities Commission's Order is attached as Exhibit C.

VIRGINIA:

On April 9, 2004, the Virginia Corporation Commission filed an Order stating that "§ 214(e)(6) of the Act is applicable" to wireless ETC petitions "because [the Virginia Commission] has not asserted jurisdiction over CMRS carriers," and that wireless ETC applicants "should apply to the Federal Communications Commission." A copy of the Order is attached hereto as Exhibit D.

Accordingly, for each of the above states, OneLink requests that the Commission exercise its authority under Section 214(e)(6) and determine that is not subject to a state commission's ETC jurisdiction.

IV. Applicant Meets the Requirements for ETC Designation

A. OneLink Qualifies as a Common Carrier

The Act defines a common carrier as "any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio...."⁸ The Act further defines a "person" to include "an individual, partnership, association, joint-stock company, trust, or corporation."⁹ As a company providing interstate and foreign communications by radio,¹⁰ OneLink meets the definition of "common carrier."

B. OneLink Will Provide Services Through a Combination of Facilities Based and Resold Services

The Commission's rules define the term "facilities" as "any physical components of the telecommunications network that are used in the transmission or routing of the service that are designated for support pursuant to subpart B of this part."¹¹ Section 54.201(f) provides that "the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements

⁸ 47 U.S.C. § 153(10).

⁹ 47 U.S.C. § 153(32).

¹⁰ OneLink qualifies as a Commercial Mobile Radio Service ("CMRS") provider. *See* 47 C.F.R. § 20.3.

¹¹ 47 C.F.R. § 54.201(e).

pursuant to part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart.”¹²

As previously indicated, OneLink provides service as a MVNO. It purchases capacity on a wholesale basis from Sprint and resells wireless service packages to customers. Thus, it provisions basic voice and data services on a resale basis. However, OneLink owns and operates the facilities used to route Directory Assistance and Operator Services. OneLink incorporates its own switching facilities, call control equipment, Call Center and related equipment to provide its customers with access to Directory Assistance and the Operator Service companies with whom OneLink has existing agreements, in order to provide customers with access to these supported services. As such, OneLink meets the statutory requirement mandating that ETCs provide service “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”¹³

C. OneLink Offers the Services and Functionalities Supported by the Federal Low-Income Universal Service Program¹⁴

Section 54.101 of the Commission’s rules set forth services supported by the federal universal service support mechanisms. The rules further require that carriers offer each of the listed services to receive ETC designation.¹⁵ OneLink will provide each of the enumerated supported services and will offer them throughout the service areas where it receives ETC designation. OneLink will provision such services through a combination of its own facilities and resale of Sprint’s services. These services include:

(1) Voice grade access to the public switched network.

Voice grade access “enables a user of telecommunications services to transmit...and to receive voice communications” including signaling for outgoing and incoming calls. And, “bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz.”¹⁶ OneLink’s underlying carrier,

¹² 47 C.F.R. § 54.201(f).

¹³ 47 U.S.C. § 214(e)(1).

¹⁴ 47 C.F.R. § 54.201(d).

¹⁵ 47 C.F.R. § 54.101(b).

¹⁶ 47 C.F.R. § 54.101(a)(1).

Sprint, has executed interconnection agreements with local exchange carriers ("LECs") to provide connectivity to the public switched telephone network ("PSTN") in each of the states in which OneLink requests ETC designation. Through its agreement with Sprint, OneLink enables customers to make and receive calls on the PSTN with a minimum bandwidth of 300 to 3000 Hertz.

(2) Local usage.

"Local usage" means "an amount of minutes of use of exchange service, prescribed by the Commission, provided free of charge to end users."¹⁷ The Commission has construed this Section to require ETC-designated carriers to offer varying rate plans with different amounts of local usage.¹⁸ OneLink offers a wide range of customer rate plans that provide varying amount of local usage, with plans that include a set amount of minutes for a flat fee. OneLink's affordable plans each include a minimum of 68 units of airtime, where one unit equates to one minute of domestic talk time or one text message. OneLink's affordable plans offer consumers numerous benefits, including nationwide local calling areas, the availability of mobile service, and the ability to access a live operator who can perform a wide variety of services in addition to standard operator services.

(3) Dual tone multi-frequency signaling or its functional equivalent.

"Dual tone multi-frequency" (DTMF) is "a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time."¹⁹ All handsets sold by OneLink are DTMF-capable.

(4) Single-party service or its functional equivalent.

For wireless providers, "single-party service" is a telecommunications service that provides a "dedicated message path for the length of a user's particular transmission."²⁰ Single-party service effectively allows only one party service by a subscriber line in contrast to a multi-party line which

¹⁷ 47 C.F.R. § 54.101(a) (2).

¹⁸ See, *Western Wireless Corp., Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, Memorandum Opinion and Order, 16 FCC Rcd. 48, 52 (2000).

¹⁹ 47 C.F.R. § 54.101(a) (3).

²⁰ 47 C.F.R. § 54.101(a)(4).

grants multiple parties access to a single line. OneLink provides customers with single-party access for the duration of each telephone call.

(5) Access to emergency services.

Access to emergency services includes “access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations.”²¹ Consumers can place 911/E911 emergency calls with OneLink’s service. All handsets are E911 capable, *i.e.*, they can deliver automatic number information (“ANI”) and automatic location information (“ALI”) to the appropriate Public Safety Answering Point (“PSAP”). Pursuant to the FCC’s E911 Order, providers that use another carrier’s facilities to provide wireless service have an obligation to comply with the FCC’s E911 rules only “to the extent that the underlying facilities-based licensee has deployed the facilities necessary to deliver enhanced 911 information to the appropriate PSAP.”²² Through its agreements with its underlying carrier Sprint, OneLink is able to provide its customers access to emergency services that is the equivalent of emergency service provided by Sprint to its own customers.

(6) Access to operator services.

“Access to operator services” is defined as “access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call.”²³ Through the use of its own switching facilities and its own Call Center, OneLink provides its customers with access to operator services for customer service support and call completion. OneLink employs and trains the operators that staff its Call Center and who provide its customers with operator services, in fulfillment of its obligation to provide the required operator services.

²¹ 47 C.F.R. § 54.101(a)(5).

²² See *Revision of the Commission’s Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems*, Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd. 25340 (2003).

²³ 47 C.F.R. § 54.101(a)(6).

(7) Access to interexchange service.

"Access to interexchange service" is defined as the "use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network."²⁴ In other words, interexchange services allow customers to make traditional long distance calls. OneLink's customers can complete both domestic long distance and international calls over Sprint's network.

(8) Access to directory assistance.

"Access to directory assistance" means "access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings."²⁵ As with access to operator services, OneLink, through the use of its own switching facilities and its own Call Center, offers access to directory assistance. Through directory assistance, customers can receive directory listing information, and request connection to listed telephone numbers. OneLink employs and trains the operators that staff its Call Center and who provide its customers with directory assistance services, in fulfillment of its obligation to provide these services.

(9) Toll limitation for qualifying low-income consumers.²⁶

Toll limitation includes "either toll blocking or toll control."²⁷ OneLink customers can use their service to complete both local and toll calls. OneLink is a prepaid service provider, which means that customers pay for their service in advance and can use only the amount of service for which they have already paid. As such, no customer can be disconnected for failure to pay toll charges or usage as the company does not differentiate toll usage from local usage and all usage is paid in advance. Each customer will receive 68 free minutes of service with additional minutes purchased on a pay-as-you-go basis in an amount selected by the customer. This service is ideal for

²⁴ 47 C.F.R. § 54.101(a)(7).

²⁵ 47 C.F.R. § 54.101(a)(8).

²⁶ 47 C.F.R. § 54.101(a)(9).

²⁷ 47 C.F.R. § 54.400(d).

low-income customers who enjoy the ability to control or limit their charges for both local phone and toll service.

D. OneLink Will Advertise the Availability and Pricing for its Universal Service Qualifying Offerings²⁸

As indicated, OneLink will advertise both the availability and pricing of its USF-qualifying offerings. OneLink will advertise its services through online and direct marketing, print advertising, event-based distribution, seminars, lectures, meetings with government agencies and pamphlet distribution.

E. OneLink Will Satisfy its Statutory Obligations as an ETC

OneLink will satisfy each of the statutory requirements triggered by ETC status.

(1) Continued Functionality in Emergencies

Section 54.202 of the Commission's rules requires that an ETC demonstrate its "ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations."²⁹ OneLink will remain functional in emergencies. OneLink, as well as its underlying carrier, Sprint, have created back-up systems to ensure full functionality in the event of a loss of power or network functionality.

In addition, OneLink's switching facilities, call control hardware and other equipment is collocated in its underlying carriers' facilities. These facilities include with fully redundant power and HVAC, a controlled temperature and humidity environment, fire-threat detection and suppression, year-round critical monitoring and secure access with biometric security. The facility features redundant generators and redundant fiber optic connectivity. The data center is a reinforced concrete building located in a secure area and collocated with the area electrical utility headquarters. It is powered from separate paths independent of any one electrical generation

²⁸ 47 C.F.R. § 54.201(d)(2).

²⁹ 47 C.F.R. § 54.202(2).

plant. All systems within the facility are implemented on redundant servers, each with redundant data network and power.

(1) Compliance with Consumer Protection Standards

Section 54.202(3) requires each ETC to “[d]emonstrate that it will satisfy applicable consumer protection and service quality standards. A commitment by wireless applicants to comply with the Cellular Telecommunications and Internet Association’s Consumer Code for Wireless Service will satisfy this requirement.”³⁰ OneLink hereby commits to comply with the Cellular Telecommunications and Internet Association’s (“CTIA”) Consumer Code for Wireless Service.

(2) Commitment to Provide Service

Section 54.202(a)(1)(i) requires each ETC applicant to “[c]ommit to provide service throughout its proposed designated service area to all customers making a reasonable request for service.”³¹ OneLink hereby commits to provide service to any customer making a reasonable request for service throughout its designated service areas.

(3) Offering of Comparable Local Usage Plan.

Pursuant to Section 54.202(a)(4), an ETC applicant must demonstrate “that it offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.”³² Each of OneLink’s rate plans is comparable to those offered by ILECs in the service areas for which it seeks ETC designation. In fact, OneLink’s rate plans are superior in many respects to rate plans offered by ILECs in its service areas because they provide greater flexibility, reliable service, additional functionalities and features, and lower cost alternatives to ILEC providers’ services.

(4) Equal Access Acknowledgement

Section 54.202(a)(5) requires each ETC application to certify “that the carrier acknowledges that the Commission may require it to provide equal access to long distance carriers in the event

³⁰ 47 C.F.R. § 54.202(3).

³¹ 47 C.F.R. § 54.202(a)(1)(i).

³² 47 C.F.R. § 54.202(a)(4).

that no other eligible telecommunications carrier is providing equal access within the service area.”³³

OneLink hereby acknowledges this requirement, and commits to abide by any Commission instruction pursuant to this Section.

(5) Annual Certification

Section 54.202(b) requires ETC applicants to submit an annual certification attesting to compliance with certain mandates enumerated in Section 54.202(a).³⁴ OneLink hereby commits to submit timely certifications meeting the requirements of Section 54.202(a). Likewise, OneLink will meet its annual reporting requirements under Section 54.209.

(6) Certification and Verification of Consumer Qualification for Lifeline

Section 54.410 requires ETCs to make certain certifications regarding its customers’ qualification for Lifeline support.³⁵ OneLink will verify and certify consumer eligibility to participate in the Lifeline program in accordance with this Section.

V. Designating OneLink as an ETC is in the Public Interest

Section 54.202(c) of the Commission’s rules mandate that ETC designations must serve the public interest. In considering whether any designation is in the public interest, “the Commission shall consider the benefits of increased consumer choice, and the unique advantages and disadvantages of the applicant’s service offering.”³⁶ First, OneLink’s service offers increased consumer choice and has unique advantages for consumers in Alabama, New York, North Carolina, and Virginia. For example, OneLink’s service provides a low-cost, reliable alternative to traditional rate plans. It allows customers to rely upon the extensive network of Sprint, while taking advantage of OneLink’s additional features and services provided by its secure facilities.

Second, OneLink’s service meets the goals of the Act. For example, the Act aimed to “secure lower prices and higher quality services for American telecommunications consumers and

³³ 47 C.F.R. § 54.202(a)(5).

³⁴ 47 C.F.R. § 54.202(b).

³⁵ 47 C.F.R. § 54.410.

³⁶ 47 C.F.R. § 54.202(c).

encourage the rapid deployment of new telecommunications technologies" to all American consumers.³⁷ Conferring ETC status upon OneLink will provide consumers with higher quality services at lower prices in the designated service areas. OneLink's plans incorporate features specifically designed for lower income individuals in both rural and urban areas. Further, OneLink's prepaid services offer flexibility, providing customers with custom plans for voice and data services. OneLink's plans allow customers that might not otherwise have access to expensive post-paid plans, to subscribe to voice and data services without the hurdle of a credit check or the commitment of a contract. And, the service allows customer to purchase minutes on an "as needed" basis.

Third, designation of OneLink as an ETC meets the Commission's stated goals for promoting competition and increasing customer choice. The Commission has determined that "designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies."³⁸ OneLink adds competition to the marketplace with the addition of its affordable innovative services. Further, its presence as a competitor of ILECs will incentivize incumbent carriers to improve their services and expand their networks to remain competitive.

Finally, because OneLink will remain compliant with each of its ETC responsibilities, the Commission should designate it as an ETC in the proposed service areas.

VI. Additional Voluntary Commitments

OneLink hereby states that it will comply with the voluntary commitments proposed by GreatCall, Inc. ("GreatCall") in its February 3, 2011 Supplement to its Petition for Designation as an ETC, to the extent they are applicable to OneLink's proposed Lifeline service offerings. Specifically, OneLink makes the following voluntary commitments:

³⁷ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56.

³⁸ See *In the Matter of Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, Memorandum Opinion and Order, CC Docket No. 96-45, 16 FCC Rcd. 48, 55 (2000).

(1) Inactivity Policy Voluntary Commitment

OneLink will implement a 60-day inactivity policy in all states where it provides Lifeline services, unless directed otherwise by a state public utility commission ("PUC").³⁹ If no usage appears on a OneLink Lifeline customer's account during any continuous 60-day period, OneLink will notify the customer promptly that the customer is no longer eligible for OneLink Lifeline service, subject to a 30-day grace period. During the 30-day grace period, the customer's account will remain active, but OneLink attempt to contact the customer to determine whether the customer desires to remain on OneLink's Lifeline service. If the prepaid customer's account does not show any customer-specific activity during the 30-day grace period, such as making or receiving a voice call, OneLink will deactivate Lifeline services for that customer. Furthermore, OneLink will not seek to recover a federal USF subsidy for the free minutes provided to the customer during the grace period, and thereafter report that customer on its USAC Form 497.

(2) 911 and E911 Access Voluntary Commitment

OneLink will provide its Lifeline customers with 911 and E911 access regardless of activation status and availability of prepaid minutes. OneLink will provide E911-compliant handsets to all of its Lifeline customers, and to replace, at no charge to the customer, any non-compliant handset of an existing customer that obtains Lifeline-supported services with an E911-compliant handset.

(3) Customer Eligibility Verification Voluntary Commitments

In keeping with the voluntary commitments made by other ETCs, OneLink voluntarily commits to make available state-specific customer data, including customer names and addresses, to each state PUC where it operates to enable the PUC to determine whether any OneLink Lifeline customers receive Lifeline service from another carrier. OneLink will promptly investigate any notification that it receives from a state PUC that one of its customers receives Lifeline service from another carrier. If OneLink determines that a customer receives Lifeline services from another carrier in violation of the

³⁹ OneLink will consult with state PUCs where it provides Lifeline services regarding implementation of this policy, and reserves the right to revise the policy after consultation with the state PUCs.

FCC's Lifeline rules, OneLink will immediately discontinue that customer's Lifeline service and will no longer report that customer on USAC Form 497.

OneLink voluntarily commits to require each customer to self-certify at time of service activation and annually thereafter that he or she is the head of household and receives Lifeline-supported service only from OneLink. OneLink will establish safeguards to prevent its customers from receiving multiple Lifeline subsidies at the same address, and will deal directly with the customer to certify and verify the customer's Lifeline eligibility. OneLink will certify that it is in full compliance with any applicable 911/E911 obligations, including obligations relating to the provision, and support, of 911 and E911 service for each state in which OneLink is designated as an ETC.

OneLink voluntarily commits to ensure that penalty for perjury language is clearly stated on its Lifeline certification form, and it will track its Lifeline customer's primary residential address and prohibit more than one supported OneLink service at each residential address. Additionally, OneLink will maintain the customer's self-certification and provide the documentation to the Commission upon request.

OneLink voluntarily commits to distribute its Lifeline service directly to its Lifeline customers. Customers may purchase handsets at retail stores, but OneLink will deal directly with the customer to certify and verify the customer's Lifeline eligibility. When establishing initial and continued eligibility, OneLink will have direct contact with the Lifeline customer.⁴⁰

VII. Anti-Drug Abuse Certification

No party to this Petition is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. § 862.

⁴⁰ Direct contact may include telephone, fax, Internet, in-person communications, or otherwise, but may not include "point of sale" procedures that allow the Lifeline customers to submit qualifying information to the retail vendor.

VIII. Conclusion

Based on the foregoing, OneLink respectfully requests that the Commission expeditiously grant this Petition and designate it as an ETC in the proposed service areas.

Respectfully submitted,



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Counsel for Petitioner

Dated: February 28, 2011

CERTIFICATION

I, Enrique Martinez, President of OneLink Wireless, LLC do hereby affirm under penalty of perjury that I have reviewed all of the factual assertions set forth in the foregoing application for eligible telecommunications carrier status and that all such statements made therein are true and correct to the best of my knowledge, information and belief.

A handwritten signature in cursive script, appearing to read "Enrique Martinez", written over a horizontal line.

Name: Enrique Martinez

Title: President

EXHIBIT A

Alabama Public Service Commission

Orders

**PINE BELT CELLULAR, INC. and PINE
BELT PCS, INC.,**

Joint Petitioners

**PETITION: For ETC status and/or
clarification regarding the jurisdiction of
the Commission to grant ETC status to
wireless carriers.**

DOCKET U-4400

ORDER

BY THE COMMISSION:

In a joint pleading submitted on September 11, 2001, Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. (collectively referred to as "Pine Belt") each notified the Commission of their desire to be designated as universal service eligible telecommunications carriers ("ETCs") for purposes of providing wireless ETC service in certain of the non-rural Alabama wireline service territories of BellSouth Telecommunications, Inc. ("BellSouth") and Verizon South, Inc. ("Verizon"). The Pine Belt companies noted their affiliation with Pine Belt Telephone Company, a provider of wireline telephone service in rural Alabama, but clarified that they exclusively provide cellular telecommunications and personal communications (collectively referred to as "CMRS" or "wireless") services in their respective service areas in Alabama in accordance with licenses granted by the Federal Communications Commission ("FCC"). The pivotal issue raised in the joint pleading of Pine Belt companies is whether the Commission will assert jurisdiction in this matter given the wireless status of the Pine Belt companies.

As noted in the filing of the Pine Belt companies, state Commissions have primary responsibility for the designation of eligible telecommunications carriers in their respective jurisdictions for universal service purposes pursuant to 47 USC §214(e). The Commission indeed established guidelines and requirements for attaining ETC status in this jurisdiction pursuant to notice issued on October 31, 1997.

For carriers not subject to state jurisdiction, however, §214(e)(6) of the Telecommunications Act of 1996 provides that the FCC shall, upon request, designate such carriers as ETCs in non-rural

service territories if said carriers meet the requirements of §214(e)(1). In an FCC Public Notice released December 29, 1997 (FCC 97-419) entitled "Procedures for FCC designation of Eligible Telecommunications Carriers pursuant to §214(e)(6) of the Telecommunications Act", the FCC required each applicant seeking ETC designation from the FCC to provide, among other things, "a certification and brief statement of supporting facts demonstrating that the Petitioner is not subject to the jurisdiction of a state Commission."

The Pine Belt companies enclosed with their joint pleading completed ETC application forms as developed by the Commission. In the event the Commission determines that it does not have jurisdiction to act on the Pine Belt request for ETC status, however, the Pine Belt companies seek an affirmative written statement from the Commission indicating that the Commission lacks jurisdiction to grant them ETC status as wireless carriers.

The issue concerning the APSC's jurisdiction over providers of cellular services, broadband personal communications services, and commercial mobile radio services is one that was rather recently addressed by the Commission. The Commission indeed issued a Declaratory Ruling on March 2, 2000, in Docket 26414 which concluded that as the result of certain amendments to the Code of Alabama, 1975 §40-21-120(2) and (1)(a) effectuated in June of 1999, the APSC has no authority to regulate, *in any respect*, cellular services, broadband personal communications services and commercial mobile radio services in Alabama. Given the aforementioned conclusions by the Commission, it seems rather clear that the Commission has no jurisdiction to take action on the Application of the Pine Belt companies for ETC status in this jurisdiction. The Pine Belt companies and all other wireless providers seeking ETC status should pursue their ETC designation request with the FCC as provided by 47 USC §214(e)(6).

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That the Commission's jurisdiction to grant Eligible Telecommunications Carrier status for universal service purposes does not extend to providers of cellular services, broadband personal communications services, and commercial mobile radio services. Providers of such services seeking Eligible Telecommunications Carrier status should accordingly pursue their requests through the Federal Communications Commission.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 12th day of March, 2002.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary

EXHIBIT B

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE
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PUBLIC SERVICE COMMISSION

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MAUREEN F. HARRIS

ROBERT E. CURRY JR.

JAMES L. LARocca

Commissioners



PETER McGOWAN

General Counsel

JACLYN A. BRILLING

Secretary

January 21, 2011

TO WHOM IT MAY CONCERN:

Re: NYS Public Service Commission Wireless CMRS Jurisdiction

We received your January 13, 2011 letter requesting a statement that the New York State Public Service Commission does not exercise jurisdiction over CMRS providers for the purpose of making determinations regarding Eligible Telecommunications Carrier designations under section 214 (e)(6) of 47 U.S.C. In response to this request, please be advised that section 5 (6)(a) of the New York State Public Service Law provides that:

Application of the provisions of this chapter to cellular telephone services is suspended unless the commission, no sooner than one year after the effective date of this subdivision, makes a determination, after notice and hearing, that suspension of the application of provisions of this chapter shall cease to the extent found necessary to protect the public interest.

The New York State Public Service Commission has not made a determination as of this date that regulation should be reinstituted under section 5 (6)(a) of the Public Service Law. Consequently, a wireless carrier providing service in New York would not be subject to New York State Public Service Commission jurisdiction for the purpose of making an Eligible Telecommunications Carrier designation.

Very truly yours,

Maureen J. McCauley
Assistant Counsel

EXHIBIT C

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Designation of Carriers Eligible for Universal)
Carrier Support) ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS from the definition of "public utility." See, G.S. 62-3(23)j. Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-3(23)j, enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Patricia Swenson".

Patricia Swenson, Deputy Clerk

pb082503.01

EXHIBIT D

STATE CORPORATION COMMISSION DOCUMENT CONTROL

AT RICHMOND, APRIL 9, 2004

IN RE:

2004 APR -9 A 11:46

APPLICATION OF VIRGINIA CELLULAR LLC

CASE NO. PUC-2001-00263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.¹ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

¹ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia 6 Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").²

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.³

Section 214(e)(5) of the Act states:

SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.⁴ The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."⁵

² CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*.

³ See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: <http://www.state.va.us/scc/caseinfo.htm>.

⁴ The FCC denied Virginia Cellular's request to redefine the study area of NTELOS. See paragraph 50 of the FCC's January 22, 2004, Order.

⁵ The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW. We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.⁶ However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

⁶ See paragraphs 43 and 44 of the FCC's January 22, 2004, Order.

(3) On or before June 1, 2004, interested parties may file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the comments and requests for hearing filed with the Commission. A copy of the response shall be delivered to any person who filed comments or requests for hearing.

(4) This matter is continued generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each local exchange telephone company licensed to do business in Virginia, as shown on Attachment A hereto; David A. LaFuria, Esquire, Lukas, Nace, Gutierrez & Sachs, Chartered, 1111 19th Street, N.W., Suite 1200, Washington, D.C. 20036; Thomas Buckley, Attorney-Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554; Virginia Telecommunications Industry Association, c/o Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; L. Ronald Smith, President and General Manager, Shenandoah Telephone Company, P.O. Box 105, Williamsville, Virginia 24487; Lori Warren, Director of Regulatory Affairs, MGW Telephone Company, P.O. Box 459, Edinburg, Virginia 22824-0459; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, and Economics and Finance.

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